

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIAM A. MALONE,

Plaintiff,

v.

Case No. 13-cv-38-JPG-PMF

SGT. LESZCWSKI, BRENT KLINDSWORTH, C/O
BETTS, GINA ALLEN, KAREN DEEN, DONALD
GAETZ, SALVADOR A. GODINEZ, VICKI HUBBARD,
MARSHA HILL, C/O WEBB, C/O BRYANT, RUNION,
WHAL, SHAW, CHRISTINE BROWN, JODY GOETTING
and WEXFORD HEALTH AND MEDICAL SERVICES,

Defendants.

JUDGMENT

This matter having come before the Court, the issues having been heard, and the Court having rendered a decision,

IT IS HEREBY ORDERED AND ADJUDGED that the following claims are dismissed with prejudice:

- **Count 13:** a claim that on December 10, 2011, defendants Shaw and Christine Brown “toyed” with plaintiff William A. Malone by pushing his wheelchair up and down the halls, and snatching catheters and Depends (absorbent underwear) out of his reach; and
- **Count 15:** a claim that on July 30, 2012, defendant Sgt. Leszczewski harassed plaintiff William A. Malone for saying “God is Good” to Christians while plaintiff William A. Malone waited to enter chapel; and

IT IS FURTHER ORDERED AND ADJUDGED that the following claims are dismissed without prejudice:

- **Count 1:** a Fourteenth Amendment due process claim that on June 16, 2010, “the facility” took plaintiff William A. Malone’s property without giving Plaintiff a shakedown slip;
- **Count 2:** an Eighth Amendment deliberate indifference to medical needs claim that on June 27, 2010, defendant Marsha Hill refused to examine plaintiff William A. Malone and let him remain in pain;

- **Count 3:** an Eighth Amendment conditions of confinement claim that on September 3, 2010, “the facility” failed to inform inmates that the water supply was contaminated;
- **Count 4:** an Eighth Amendment deliberate indifference to medical needs claim that on October 6, 2010, defendant Whal refused to examine plaintiff William A. Malone and let his pain and condition worsen;
- **Count 5:** a First Amendment retaliation claim that on October 11, 2010, defendants C/O Bryant and Runion retaliated against plaintiff William A. Malone “by ransacking [his] cell for setting out another inmate they allowed to harass” plaintiff William A. Malone;
- **Count 6:** a claim that on October 31, 2010, defendant Jody Goetting, in retaliation for plaintiff William A. Malone’s filing a complaint about harassment by a fellow inmate, moved plaintiff William A. Malone into a cell with the perpetrator;
- **Count 10:** an Eighth Amendment conditions of confinement claim that on September 26, 2011, defendants C/O Betts and C/O Webb refused to allow plaintiff William A. Malone a “physically challenged” shower after he soiled himself;
- **Count 11:** a claim that on December 6, 2011, and January 1, 2012, defendants Karen Deen, Donald Gaetz, Salvador A. Godinez and Vicki Hubbard denied plaintiff William A. Malone’s grievances regarding his medical needs related to the Americans with Disabilities Act;
- **Count 12:** an Americans with Disability Act claim that on January 30, 2012, plaintiff William A. Malone was fired from his dietary job “for being ADA” even though he performed all his duties well;
- **Count 16:** an Eighth Amendment deliberate indifference to medical needs claim that on August 13, 2012, plaintiff William A. Malone broke a tooth while eating in the chow hall, and defendants Brent Klindsworth and C/O Betts would not allow him to go to health care; and
- all claims against defendant Wexford Health and Medical Services and defendant Gina Allen.

Counts 7, 8, 9, 12 (under the Rehabilitation Act) and 14 have been severed into separate cases.

DATED: July 16, 2013

**NANCY J. ROSENSTENGEL, Clerk of Court
By:s/Deborah Agans, Deputy Clerk**

**Approved: s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE**